

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

805914
PHELAN HALLINAN DIAMOND & JONES, PC
400 Fellowship Road, Suite 100
Mt. Laurel, NJ 08054
856-813-5500
Attorneys for BRANCH BANKING AND TRUST COMPANY

In Re:

MATTHEW T. WINELAND



Order Filed on March 22, 2018
by Clerk U.S. Bankruptcy Court
District of New Jersey

Case No: 17-28396 - JNP

Hearing Date: March 27, 2018

Judge: Jerrold N. Poslusny, Jr.

Recommended Local Form: ☒ Followed ☐ Modified

**ORDER RESOLVING THE OBJECTION OF BRANCH BANKING AND TRUST COMPANY TO
DEBTOR'S MOTION TO RECONSIDER DISMISSAL ORDER WITH CONDITIONS
AND REINSTATING THE CASE**

The relief set forth on the following pages, numbered two (2) and three (3) is hereby **ORDERED**.

A handwritten signature in dark ink, appearing to read "J. Poslusny", written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

DATED: March 22, 2018

Applicant: BRANCH BANKING AND TRUST COMPANY
Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC
Debtor's Counsel: BRAD J SADEK, Esquire
Property Involved ("Collateral"): 334 B DELANCEY PLACE, MOUNT LAUREL, NJ 08054-3166

Relief sought: ☒ DENIAL OF DEBTOR'S MOTION TO RECONSIDER DISMISSAL ORDER
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Debtor's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 5 months, from 11/01/2017 to 03/01/2018.

☒ The Debtor is overdue for 5 payments at \$1,064.91 per month.

☐ The Debtor is assessed for _____ late charges at \$ _____ per month.

☒ Applicant acknowledges suspense funds in the amount of \$135.09.

Total Arrearages Due \$5,189.46.

2. Debtor must cure all post-petition arrearages, as follows:

☐ Immediate payment shall be made in the amount of \$ _____. Payment shall be made no later than _____.

☒ Beginning on 04/01/2018, regular monthly mortgage payments shall continue to be made.

☒ Beginning on 04/01/2018, additional monthly cure payments shall be made in the amount of \$1,037.89 for 4 months.

☒ On 08/01/2018, an additional monthly cure payment shall be made in the amount of \$1,037.90.

☐ The amount of \$ _____ shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry

of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment:

☒ Regular Monthly payment:

Branch Banking & Trust Company

Bankruptcy Section 100-50-01-51

P.O. Box 1847

Wilson, NC 27894

☒ Monthly cure payment:

Branch Banking & Trust Company

Bankruptcy Section 100-50-01-51

P.O. Box 1847

Wilson, NC 27894

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$_____, and costs of \$_____.

The fees and costs are payable:

☐ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.

7. The case is reinstated. Confirmation is relisted for April 18, 2018 at 10:0 a.m.